

An  
Coimisiún  
Pleanála

## Commission Order ACP-323053-25

**Derelict Sites Act, 1990**

**Planning and Development Act, as amended**

**Planning Authority: Waterford City and County Council**

**Application** received by An Coimisiún Pleanála on the 16<sup>th</sup> day of July 2025 from Waterford City and County Council pursuant to section 16 of the Derelict Sites Act, 1990, as amended, for consent to the compulsory acquisition of a derelict site at 21 Church Street, Dungarvan, County Waterford, and as more particularly described in the notice of intention to compulsorily acquire the site.

### Decision

**REFUSE** consent to the compulsory acquisition of the said site based on the reasons and considerations set out below.

## Reasons and Considerations

Having considered the application by the local authority for consent to compulsorily acquire the site under Section 16 of the Derelict Sites Act, 1990, as amended, the objections made to the compulsory acquisition, the report of the Inspector, the documents and submissions on file generally, and also:

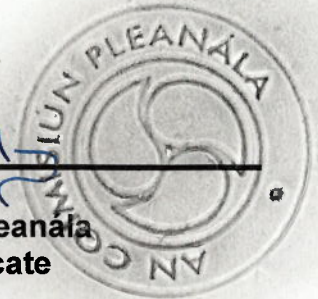
- (a) the Constitutional and Convention protection afforded to property rights,
- (b) the public interest, and,
- (c) the provision of Waterford City and County Development Plan 2022-2028,

it is considered that the site does not detract to a material degree from the amenity, character and appearance of land in the neighbourhood and, therefore, does not come within the definition of a derelict site as defined in Section 3 (b) of the Derelict Sites Act, 1990, as amended, and that the compulsory acquisition of the site by the local authority is not necessary in order to render the site non-derelict and to prevent it from continuing to be a derelict site. It is also considered that the objection made can be sustained, having regard to the requirement for a compulsory acquisition in order to render a site non-derelict, with its effects on the property rights of affected landowners, to be proportionate to that objective and justified by the exigencies of the common good.

In disagreeing with the Inspector, the Commission noted the history of the case, the age and current condition of the property, the submission outlining the objection to the acquisition including the work undertaken and future intentions, and decided that while elements of the property may appear unsightly it has not been adequately demonstrated that such elements cause the property to detract to a material degree

from the amenity, character or appearance of land in the neighbourhood and, therefore, that the threshold for proportionality has not been met at this time.

Eamonn James Kelly  
Eamonn James Kelly  
Member of An Coimisiún Pleanála  
duly authorised to authenticate  
the seal of the Commission.



Dated this 16<sup>th</sup> day of October, 2025